

SERENA SOFTWARE INC.,

No. C-08-5472 JSW

Plaintiff,

V.

HEALTH CARE SERVICE CORP.,

Defendant.

ORDER SCHEDULING TRIAL AND PRETRIAL MATTERS

HEALTH CARE SERVICE CORP.,

Defendant.

Following the Case Management Conference, IT IS HEREBY ORDERED that the Case Management Statement is adopted, except as expressly modified by this Order. It is further ORDERED that:

A. DATES

Jury Trial Date: February 22, 2010, at 8:00 a.m., 4 - 5 days

Pretrial Conference: Monday, February 1, 2010 at 2:00 p.m.

Last Day to Hear Dispositive Motions: Friday, December 4, 2009 at 9:00 a.m.

Last Day for Expert Discovery: October 28, 2009

Last Day for Expert Disclosure: October 6, 2009

B. DISCOVERY

The parties are reminded that a failure voluntarily to disclose information pursuant to Federal Rule of Civil Procedure 26(a) or to supplement disclosures or discovery responses pursuant to Rule 26(e) may result in exclusionary sanctions. Thirty days prior to the close of non-expert discovery, lead counsel for each party shall serve and file a certification that all supplementation has been completed.

1 **C. ALTERNATIVE DISPUTE RESOLUTION**

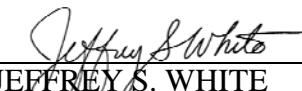
2 The parties shall complete mediation (court or private) by July 20, 2009. The parties
3 shall promptly notify the Court whether the case is resolved at the mediation.

4 **D. PROCEDURE FOR AMENDING THIS ORDER**

5 No provision of this order may be changed except by written order of this court upon its
6 own motion or upon motion of one or more parties made pursuant to Civil. L. R. 7-1 or 7-1-(b)
7 without a showing of very good cause. If the modification sought is an extension of a deadline
8 contained herein, the motion must be brought before expiration of that deadline. The parties
9 may not modify the pretrial schedule by stipulation. A conflict with a court date set after the
10 date of this order does not constitute good cause. The parties are advised that if they stipulate to
11 a change in the discovery schedule, they do so at their own risk. The only discovery schedule
12 that the Court will enforce is the one set in this order. Additionally, briefing schedules that are
13 specifically set by the court may not be altered by stipulation; rather the parties must obtain
14 leave of Court.

15 **IT IS SO ORDERED.**

16 Dated: March 23, 2009


17 _____
18 JEFFREY S. WHITE
19 UNITED STATES DISTRICT JUDGE